

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

CHRISTOPHER MICHAEL ATKINS	§	
	§	
v.	§	Case No. 2:09-CV-194 (TJW-CE)
	§	
TYSON FOODS, INC., DCS SANITATION	§	
MANAGEMENT INC., and DDSI, INC.	§	

**AMENDED DOCKET CONTROL ORDER**

<b>January 4, 2011</b>	Jury Selection - 9:00 a.m. in <b>Marshall, Texas</b>
<b>December 29, 2010</b>	Pretrial Conference - 1:30 p.m. in <b>Marshall, Texas</b>
<b>November 18, 2010</b>	Joint Pretrial Order, Joint Proposed Jury Instructions, and Form of the Verdict.
<b>November 18, 2010</b>	<b>Motions in <i>Limine</i> Due</b> The parties are ordered to <b>meet and confer</b> on their respective motions in <i>limine</i> and <b>advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before</b> the pretrial conference. The parties shall limit their motions in <i>limine</i> to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).
<b>November 18, 2010</b>	Pretrial Objections due
<b>November 17, 2010</b>	Response to Dispositive Motions (including <i>Daubert</i> motions) <sup>1</sup> <b>Responses to dispositive motions filed prior to the dispositive motion deadline, including Daubert Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgement shall comply with Local Rule CV56.</b>

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<sup>1</sup>

The parties are directed to Local Rule CV-7(d), which provide in part that “[i]n the event a party fails to oppose a motion in the manner prescribed herein the court will assume that the party has no opposition.” Local Rule CV-7(e) provided that a party opposing a motion has **12 days, in addition to any added time permitted under Fed. R. Civ. P. 6(e)**, in which to serve and file in response and any supporting documents, after which the court will consider the submitted motion for decision.

<b>November 4, 2010</b>	<b>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.</b> If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said report shall file a notice with the Court and e-mail the Court Report, Susan Simmons, at <a href="mailto:lsimmons@yahoo.com">lsimmons@yahoo.com</a> .
<b>November 4, 2010</b>	Pretrial Disclosures due
<b>November 3, 2010</b>	For Filing Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions)
<b>November 3, 2010</b>	Defendant to Identify Trial Witnesses
<b>October 21, 2010</b>	Mediation to be completed. The parties agree to Randy Akin as mediator.
<b>October 20, 2010</b>	Plaintiff to Identify Trial Witnesses
<b>October 7, 2010</b>	Discovery Deadline
<b>October 6, 2010</b>	Defendant to Answer Amended Pleadings
<b>September 8, 2010</b>	Amend Pleadings <b>(It is no necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)</b>
<b>August 30, 2010</b>	Defendant to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
<b>August 4, 2010</b>	Plaintiff to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
<b>July 29, 2010</b>	Privilege Logs to be exchanged by parties (or letter to the Court stating that there are no disputed as to claims of privileged documents).
<b>June 29, 2010</b>	Join Additional Parties

### OTHER LIMITATIONS

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first confirmed in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
  - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
  - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
  - (c) The failure to complete discovery prior to trial, unless, the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

SIGNED this 13th day of July, 2010.

  
CHARLES EVERINGHAM IV  
UNITED STATES MAGISTRATE JUDGE